

## APPENDIX.

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### *In Memoriam.*

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LUCIUS QUINTUS CINCINNATUS LAMAR, LL.D.

MR. JUSTICE LAMAR died at Macon, Georgia, the evening of the 23d of January, 1893. On the coming in of the court on the following morning the CHIEF JUSTICE said.

"It again becomes my melancholy duty to announce the death of a member of this court. Mr. Justice Lamar died at Macon, Georgia, last evening, at 8.50 o'clock. No business will be transacted, but the court will now adjourn until Monday next."

On Friday, the 29th of January, Mr. Justice Lamar was buried at Macon, the Chief Justice and Justices Blatchford, Brewer and Brown attending the funeral.

At noon, on Saturday, the 11th day of March, 1893, the bar of the Supreme Court of the United States and the officers of the court met in the court room in the Capitol. Mr. William F. Vilas, of Wisconsin, was called to the chair, and Mr. James H. McKenney, Clerk of the court, acted as Secretary. Mr. E. C. Walthall, Mr. J. Z. George, Mr. Adlai E. Stevenson, Mr. A. H. Garland, Mr. John B. Gordon, Mr. William M. Stewart, Mr. James L. Pugh, Mr. J. C. Bancroft Davis, Mr. T. C. Catchings, Mr. J. Randolph Tucker, Mr. William E. Earle and Mr. Jeremiah M. Wilson were appointed a committee to prepare and report resolutions for consideration. Thereupon the meeting was adjourned to Saturday, the 18th of March, 1893, at the same place.

On Saturday, the 18th of March, 1893, the meeting was again convened, pursuant to adjournment. Mr. J. Z. George, on behalf of the committee, reported a series of resolutions, which, after

remarks by Mr. J. Z. George, Mr. E. C. Walthall, Mr. T. C. Catchings, Mr. John H. Mitchell, Mr. William M. Stewart, Mr. Leroy F. Youmans, Mr. J. Randolph Tucker, Mr. Charles E. Hooker and Mr. A. H. Garland were unanimously adopted. The meeting was then adjourned.

On Monday, the 24th of April, 1893, Mr. Attorney General Olney, in compliance with the request of the bar, presented these resolutions to the court with the following remarks

I have been requested, if your honors please, to present to the court the resolutions of the bar upon the occasion of the death of Mr. Justice Lamar. In undertaking that duty I have no hesitation in saying that the resolutions, which I shall presently read, do but simple justice to the character of your late associate, and in no way exaggerate either the great loss of the whole community or the profound affliction of a very large circle of friends and acquaintances. Under any circumstances, the death of a justice of this court is of preëminent importance. Though the court remains, an element disappears which had vitally affected its deliberations and its results, to be succeeded by a new one different to some extent in the nature of things, and possibly of a wholly diverse character. Thus, as one departs and another assumes his place, a new order of things arises, all the more surely because it comes insensibly and almost by stealth. It is a new order of the greatest moment because, in the scope and extent of its jurisdiction and power, as touching on the one hand the private rights of every one of sixty millions of people, and dealing on the other with the collective rights of numerous populous communities and sovereign States, no court like it or even strongly resembling it has ever existed among men. To have sat upon such a court without reproach and without discredit, may well fill to the full the measure of the loftiest ambition.

With Mr. Justice Lamar has passed away not merely a lawyer and a judge, but a notable historical figure. It may have been his misfortune as a lawyer, though certainly his good fortune as a man, that his lot was cast in tempestuous times — in times which, however adverse to the acquisition of technical knowledge and technical skill, always and inevitably develop whatever there is in a man of intellectual and moral greatness. He was born when the echoes of the sectional contest over the admission of Missouri into the Union — that issue which startled Jefferson “like a fire bell in the night” — were still resounding throughout the land. He was a

mere youth when the Missouri Compromise was succeeded by another, and the spectre of disunion was laid for a time by the mingled firmness and moderation of General Jackson. He had hardly entered upon the practice of the law when North and South again came into violent collision over the fugitive-slave law and the extension of slavery into the Territories. He went with his section and his State in the civil war that followed only ten years later, and supported their cause with equal devotion on the battlefield and in the forum. Always and under all circumstances he was a leader, not merely followed and obeyed, but implicitly trusted and sincerely loved.

He continued to lead even more decisively and on a larger field when arms were laid down, and to him more than to any other one man, North or South, is due the adoption by both victors and vanquished of those counsels of moderation, magnanimity and wisdom which have made the edifice of our constitutional Union more impregnable to all assault than ever before. But this eventful and stormy career, these engrossing and exciting occupations and achievements of the soldier and statesman and patriot, necessarily interrupted and prevented that exclusive devotion to the science of jurisprudence, and that constant familiarity with its practical application in the administration of justice, which that jealous mistress, the law, inexorably exacts of all her followers.

I do not believe that Mr. Justice Lamar ever practised law, as his sole or chief occupation, for any one term of five consecutive years. I am unable to discover that he could have made the practice of the law his sole or principal pursuit for more than ten or twelve years in all. And it is the highest possible tribute to his natural genius, to his legal instincts, and extraordinary intellectual gifts, that, in spite of all the disadvantages under which he labored, Mr. Justice Lamar performed his part as a member of this high court of judicature, not only to the acceptance of the bench and the bar, but with such intelligent and well-directed zeal and devotion that only failing health and strength could have prevented his ultimately attaining decided judicial eminence.

The resolutions I have the honor to present are as follows

*Resolved*, That by the death of Mr. Justice Lamar the country loses a judge whose career on the bench, though brief, showed that he had a rare judicial mind and temperament, with a great power of legal analysis, and a faculty of expressing himself in nervous English, which left no room for misunderstanding. His long service

in public life fitted him to deal with the great questions of constitutional law which make a seat upon the bench of the Supreme Court so important and so responsible. He entered early into the public service and soon became prominent. When the war closed no one was more conspicuous than he in efforts to allay distrust, to do away with division and coldness, and to produce, throughout the Union, a feeling of confidence and good will. For this he labored and spoke in the Senate, and, with this ever before his eyes, he administered the Department of the Interior. We offer this tribute to his memory with no wish to perform a mere perfunctory duty. Over and above his intellect, his trained faculties, his knowledge, his wit and his power, he was an affectionate, loving and lovable man, dear to all who knew him. He is mourned not only by his friends, but by many who had no personal acquaintance with him.

*Resolved*, That the Attorney General be requested to lay these resolutions before the court, and to ask that they be spread upon the record.

*Resolved*, That the chairman be requested to transmit a copy of them to the family of Mr. Justice Lamar.

THE CHIEF JUSTICE responded.

The court receives with appreciation the tribute of the bar through the Attorney General to the memory of the eminent man who so recently passed from its membership.

Although he was not spared to give many years to its labors, Mr. Justice Lamar was long enough upon this bench to exhibit on a comparatively new field his undoubted intellectual power, and to demonstrate the possession of marked judicial qualities. The remarkable career which preceded his appointment, crowded with varied incident and filled with distinguished service in public station, while it withdrew him from that active participation in professional practice which assures the habit of prompt decision in ordinary litigation, nevertheless well prepared him for the consideration of those grave public questions that so often press for solution before this tribunal. Experience in affairs had made him sage, and the wisdom thus acquired was aided by that "desire to seek, patience to doubt, fondness to meditate, slowness to assert, readiness to reconsider," which the great philosopher declared fitted him for nothing so well as for the study of truth. Such was indeed his nature, and leadership came to him not merely by reason of his courage, his eloquence, his statesmanlike views and general ability,

but largely, perhaps chiefly, because of his simplicity and single-mindedness, his integrity of thought as well as honesty in action, and that unobtrusive and unselfish devotion to duty which gives entrance to the kingdom that "cometh without observation."

There can be no better qualification for a great magistrate than, in addition to sufficient learning, to possess keen love of justice, earnest desire for truth, absolute sincerity and the highest conception of the responsibilities of public office, coupled with an intimate knowledge of the workings of government obtained through practical experience.

Mr. Justice Lamar always underrated himself. This tendency plainly sprang from a vivid imagination. With him the splendid visions attendant upon youth never faded into the light of common day, but they kept before him an ideal, the impossibility of whose realization, as borne in upon him from time to time, oppressed him with a sense of failure. Yet the conscientiousness of his work was not lessened, nor was the acuteness of his intellect obscured, by these natural causes of his discontent; nor did a certain Oriental dreaminess of temperament ever lure him to abandon the effort to accomplish something that would last after his lips were dumb.

We fully recognize the fitness of the reference to the loving disposition of our departed colleague. This especially endeared him to us, and it was this which enabled him to bear with cheerfulness the trials of a long illness and to find in the consolations of religion the peace that passeth all understanding.

Sincere in his support of a cause to which his early education and the training of opening manhood, his surroundings and personal attachments, committed him, his acceptance of the result of the arbitrament of arms was genuine and unqualified; and the singular felicity was his, here having returned to die at home at last, to appreciably contribute to the restoration of the ties of common interest and affection of a united people, of pride in common institutions and love for a common country, and to pass his closing days in assisting in the authoritative exposition of the wonderful instrument which binds together "the great contexture of this mysterious whole."

The resolutions and accompanying remarks will be spread upon our records, and the commemorative expressions of the bars of the State of Georgia, of the State of Mississippi and of the State of Illinois, and such other similar testimonials as may be transmitted to us, will be placed on file.